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13
14 **UNITED STATES DISTRICT COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA**
16 **WESTERN DIVISION**

17 ZORAN BAISCH, and JOHN LEE, on
behalf of themselves and those similarly
situated,

18 Plaintiffs,

19 vs.

20 BMW OF NORTH AMERICA, LLC,
21 Defendant.
22

Case No.: 2:15-cv-09194

**PLAINTIFFS' NOTICE OF
RELATED CASE PURSUANT TO
LOCAL RULE 83-1.3**

1 TO THE CLERK OF THE UNITED STATES DISTRICT COURT AND
2 TO DEFENDANT AND ITS COUNSEL OF RECORD:

3 PLEASE TAKE NOTICE that pursuant to Local Rule 83-1.3, Plaintiffs
4 Zoran Baisch and John Lee, individually and on behalf of all others similarly
5 situated, hereby give notice of an earlier filed action pending in the Central District
6 of California. The earlier-filed action, originally titled *Draeger et al. v. Toyota*
7 *Motor Sales, U.S.A., Inc.*, Case No. 2:15-cv-06491, is currently pending before the
8 Honorable Andre Birotte Jr. The earlier action appears to be related to the above-
9 captioned action. The earlier action is continuing under its original case number as
10 against Defendant Nissan North America, Inc. (“*Nissan* (f.k.a. *Draeger*)”).

11 *Nissan* (f.k.a. *Draeger*) and the above-captioned action call for
12 determination of the same or substantially related or similar questions of law and
13 fact; they also appear to arise from closely related happenings. Specifically, in
14 each complaint, the plaintiffs allege that the defendant automakers have failed to
15 include a basic safety mechanism whereby affected vehicles with a remote-control
16 electronic keyless fob system, if left unattended with the engine still running,
17 would automatically turn off after a certain period of time (“Auto-Off”). In each
18 case, the plaintiffs allege that the lack of an Auto-Off system in affected vehicles is
19 dangerous and defective due largely to the serious risks of carbon monoxide
20 poisoning. According to the respective complaints, at least ten different auto
21 manufacturing groups (including the defendant automakers) have implemented
22 functionally identical systems in their respective vehicles. In each case, the
23 plaintiffs allege that the defendants knew about the safety defect and dangerous
24 consequences associated with keyless fobs used without an Auto-Off system, but
25 defendants failed to disclose these material facts to consumers.

26 According to each complaint, the plaintiffs have purchased or leased
27 affected vehicles that they would not otherwise have purchased or leased, or would
28 have paid less for had they known of the safety defect. In each action, the

1 plaintiffs seek declaratory relief notifying consumers of the safety defect,
2 injunctive relief requiring the defendants to repair the affected vehicles so they no
3 longer possess the safety defect and/or barring future sales of affected vehicles
4 with the safety defect, and other forms of economic relief based on the diminished
5 value of plaintiffs' vehicles. Prosecuting each case would entail substantial
6 duplication of labor if heard by different judges. Accordingly, the above-captioned
7 action qualifies for related-case transfer to the Honorable Andre Birotte Jr.

8 Dated: November 25, 2015

9 Respectfully submitted,

10 HAGENS BERMAN SOBOL SHAPIRO LLP

11 By /s/ Lee M. Gordon

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